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IDAHO PUBLIC
UTILITIES COMMISSION

Attorney for the Idaho Conservation League

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE)
APPLICATION OF IDAHO POWER)
COMPANY FOR AUTHORITY TO)
MODIFY ITS NET METERING)
SERVICE AND TO INCREASE THE)
GENERATION CAPACITY LIMIT.)

CASE NO. IPC-E-12-27

MOTION OF THE IDAHO
CONSERVATION LEAGUE

COMES NOW, the Idaho Conservation League ("ICL"), pursuant to Idaho Code § 61-617A and IDAPA 31.01.01.161–165 with the following application for intervenor funding. On January 15, 2013 in Order No 32716, the Commission granted ICL's intervenor status.

I. Idaho Code § 61-617A and IDAPA Rule 31.01.01.161 Requirements

Idaho Power Corporation, is a regulated public utility with gross Idaho intrastate, annual revenues exceeding three million, five hundred thousand dollars (\$3,500,000.00).

II. IDAPA Rule 31.01.01.162 Requirements

1. Itemized list of Expenses

The attached Exhibit A is an itemized list of expenses incurred by ICL in this proceeding.

2. Statement of Proposed Findings

ICL asks the Commission to deny three of the four main components of Idaho Power's application to modify net metering service and make four findings: First, that Idaho Power's proposed changes to the net metering rate schedules are unreasonable. Second, that Idaho

Power's proposed capacity cap on net metering is arbitrary and unnecessary. Third, that Idaho Power's proposal to extinguish individual net metering customer's excess energy credits annually is unreasonable. Fourth, to approve the revised Schedule 72 covering interconnection procedures.

3. Statement Showing Costs

ICL requests \$ 17,000 in intervenor funding, as shown in Exhibit A, for witness and legal costs. Both the hourly rate and hours expended are reasonable for this complex case and inline with the current range for other intervening parties. ICL's request is rounded down from the totals shown on Exhibit A for ease of accounting. Idaho Code empowers the Commission to award intervention costs "to encourage participation at all stages of all proceedings . . . so that all affected customers receive full and fair representation in those proceedings." I.C. § 61-617A.

Procedurally, this case began under Modified Procedure, but to more effectively illuminate the issues, ICL successfully advocated for a more robust process. This process included a workshop to explain the issues to the wider public and attempt to find a negotiated resolution. After unsuccessful settlement negotiations, the process included a technical hearing to fully illuminate the complex cost of service and rate design issues. At each stage, ICL relied on legal and technical experts to fully and fairly represent the interest of our members and other customers who opposed Idaho Power's application.

This case presented technical cost of service and rate design issues so ICL retained a nationally recognized expert in net metering, Mr. R. Thomas Beach. Mr. Beach provided ICL with an initial analysis of the case, which directly informed ICL's advocacy for a more robust hearing process. ICL used this initial analysis to present a counter point to Idaho Power's presentation at the public workshop to fully illuminate the issues for the public and other parties. Only when settlement talks failed did ICL incur additional cost to develop and present testimony

for the technical hearing. Mr. Beach also assisted ICL to prepare for and participate in the technical hearing by reviewing the testimony of other parties and preparing cross examination questions. Mr. Beach's extensive experience reviewing net metering proposals around the country enabled him to provide top quality advice in a timely manner. Just as the Commission Staff and Idaho Power, it is reasonable for ICL to incur cost for technical expertise to fully and fairly participate in this docket.

ICL also requests legal fees. The Commission's rules require ICL, a non-profit corporation under I.C. §§ 30-3-1 – 30-3-134, to be represented by an attorney for any "petitions, motions, applications for modified procedure or technical/evidentiary hearings." IDAPA 31.01.01.43.02. Like the Commission Staff and Idaho Power, ICL has chosen to employ a full-time staff attorney instead of relying on outside counsel. Exhibit A shows the hourly rate and time spent working directly on this case including reviewing and preparing testimony, submitting and reviewing extensive discovery requests, coordinating with other parties to avoid duplicating efforts, and representing ICL at procedural hearings, public workshop, settlement negotiations, and a technical hearing. Exhibit A reflects only substantial activities directly related to this docket.

4. Explanation of Cost Statement

ICL is a nonprofit organization supported solely through charitable donations from foundations and our members. As a nonprofit public advocacy organization, ICL has no direct financial stake in the outcome of this proceeding. To provide consistent, professional, and impactful advocacy for our members ICL has chosen to reallocate our budget to dedicate a full-time, highly trained staff member to energy issues. The cost of employing and training a full time staff member is a significant financial commitment for a charitable organization as roughly 75% of our organizational budget is dedicated to employee costs.

This docket is a prime example of the financial hardship to ICL of fully and fairly representing our interests before the Commission. Idaho Power filed the case in January and six months later, the record is closed. Meanwhile, foundation giving cycles typically take one year or more, and member contributions are inherently uncertain. To effectively represent the interests of our members ICL must spend money up front for expert witnesses, legal costs, and reproduction costs. Furthermore, foundations and our members have no obligation to reimburse these costs. Without the availability of intervenor funding ICL would be unable to consistently and professionally engage in energy matters that interest a broad range of Idahoans.

5. Statement of Difference

ICL's position differs from the Staff position in three ways. First, Staff initially supported using Modified Procedure to resolve the case. Through the formal scheduling hearing ICL successfully advocated for a more robust procedure including workshops, negotiations, and a technical hearing. Second, unlike the Staff, ICL proposes the Commission reject any capacity cap for the net metering program. ICL agrees with Staff and proposes the Commission reject the proposed rate changes. But ICL's reasoning and support for rejecting this rate proposal is very different than the Staff. Staff opposes the procedure of changing rate design outside of a general rate case. ICL opposes the merits of the changes based on our analysis showing that under the current rate structure net metering customers provide more benefits than costs. The Staff did not attempt to calculate the benefits of net metering to standard residential customers. ICL's analysis of the costs and benefits of net metering to standard service customers provides the Commission with an independent factual basis to reject both the capacity cap and proposed rate changes.

6. Statement of Recommendation

ICL's proposed findings address issues of concern for all of Idaho Power's customers. Idaho Power alleged that all standard service customers were subsidizing net metering customers.

ICL's analysis shows the opposite, that net metering customers provide an overall benefit to standard service customers. This issue of cross subsidization concerns all ratepayers, as each individual is concerned with paying, or being paid, their fair share. Further, because net metering reduces customer demands on Idaho Power's generation, transmission, and distribution system, all customers benefit by avoiding these costs.


7. Statement Showing Class of Customer

Many of ICL's members and supporters are residential customers and small commercial customers of Idaho Power in Idaho.

WHEREFORE, ICL respectfully requests the Commission grant this application.

DATED this 18th day of June 2013.

Respectfully submitted,



Benjamin J. Otto
Idaho Conservation League

Exhibit A

Totals: Legal Fees – \$7,247.50 -- 55.75 hours at \$130/hour
 Witness Fees – \$9,812.46 -- 31 hours at \$300/hour plus travel expenses

Legal Fees for Benjamin J. Otto

Date	Activity	Hours
11/4/12	Review IPCO application and testimony; memo to file	1.75
12/18/12	Prepare and file ICL petition to Intervene	0.25
12/27/12	Review Staff discovery request #1; memo to file	0.5
1/21/13	Review IPCO response to Staff discovery request #1; memo to file	1.5
1/25/13	Review, sign, and submit protective agreement	0.5
1/28/13	Research FERC jurisdiction, cost-benefit issues; memo to file	1.25
1/28/13	Draft ICL discovery request to IPCO	1.25
1/29/13	Prepare and file ICL Motion for Technical Hearing	0.75
1/29/13	Draft ICL discovery request to IPCO	1.25
1/30/13	Finalize and submit ICL discovery request #1 to IPCO	0.5
2/1/13	Conf with T. Beach re: providing expert testimony; Memo to Beach with background information	0.75
2/15/13	Meeting with intervenors re: issues and positions of each	1.5
2/18/13	Review memo from T. Beach re: initial cost-benefit analysis	2.25
2/19/13	Conf with T. Beach re: initial analysis and refinements	0.5
2/20/13	Review IPCO discovery response to ICL #1; memo to file	2.25
2/20/13	Memo to/from J Miller re: Beach report	0.5
2/27/13	Conf with intervenors re: case procedure and scheduling	1
2/28/13	Memo to Beach re: discovery materials, confidentiality, and next steps; Phone Conf with T. Beach re: same	0.75
3/6/13	Prepare case memo for hearing and negotiation	1.75
3/7/13	Conf with intervenors Re: prehearing scheduling conference	1
3/8/13	Review IPCO discovery responses to Staff; memo to file	0.25
3/21/13	Attend prehearing conference	1.75
4/3/13	Review Staff discovery request to IPCO #3; memo to file	0.25
4/24/13	Review IPCO discovery response to Staff #3; Memo to file	0.5
4/24/13	Prepare presentation for public workshop	2.25
4/25/13	Attend and present at public workshop	3
4/26/13	Conf with Intervenor re: negotiations; draft memo re: same	1.75
4/29/13	Attend Settlement conf	2.25
4/30/13	Conf with T. Beach re: testimony, case schedule; send template	0.75
5/3/13	Review IPCO discovery responses to ICEA #1; memo to file	0.25
5/6/13	Review T. Beach draft testimony; conf re: same	1.5
5/7/13	Review IPCO discovery responses to City #1; memo to file	0.75
5/10/13	Complete formatting, compile and file testimony	4.5
5/12/13	Review testimony of Staff, ICEA, City, Pioneer; memo to file	2.5
5/14/13	Conf with T. Beach re: filed testimony, need for rebuttal	0.5
5/20/13	Review IPCO discovery requests to City and ICEA	0.25
5/31/13	Review IPCO discovery responses to ICEA #2; Memo to file	0.25
6/4/13	Conf with T. Beach re: IPCO rebuttal and cross examination	0.25
6/5/13	Conf with Intervenor re: cross examination	1.5
6/7/13	Prepare for technical hearing	2.25
6/10/13	Prepare for technical hearing	1.5
6/11/13	Attend technical hearing	5.25
Total hours		55.75

Exhibit A

			<u>Hrs/Rate</u>	<u>Amount</u>
<u>Idaho Power NEM Case</u>				
2/14/2013	RTB	Review Idaho Power IRP; prepare cost/benefit analysis of NEM.	3.00 300.00/hr	900.00
2/15/2013	RTB	Prepare cost/benefit analysis of NEM. Review Idaho Power GRC data on marginal transmission costs.	3.50 300.00/hr	1,050.00
2/19/2013	RTB	Confer with Ben Otto on NEM analysis. Revise analysis to reflect correct marginal transmission costs.	1.25 300.00/hr	375.00
2/28/2013	RTB	Confer with Ben Otto on next steps, discovery responses. Send him confidentiality signature.	0.25 300.00/hr	75.00
SUBTOTAL:			[8.00	2,400.00]
For professional services rendered			8.00	\$2,400.00

			<u>Hrs/Rate</u>	<u>Amount</u>
<u>Idaho Power NEM Case</u>				
4/30/2013	RTB	Confer with Ben Otto on testimony. Review testimony template; analysis of Idaho Power NEM costs and benefits.	1.00 300.00/hr	300.00
5/4/2013	RTB	Draft testimony on costs and benefits of solar PV for Idaho Power.	4.50 300.00/hr	1,350.00
5/5/2013	RTB	Draft testimony; send draft to Ben Otto. Work on tables and numbers. Revise capacity value of solar.	3.50 300.00/hr	1,050.00
5/6/2013	RTB	Review initial edits to testimony; send revisions to Ben Otto.	1.50 300.00/hr	450.00
5/7/2013	RTB	Review final testimony; send note to Ben Otto. Modify Table 2. Review City of Boise draft testimony.	1.50 300.00/hr	450.00
5/14/2013	RTB	Confer with Ben Otto on filed testimony; review.	1.00 300.00/hr	300.00
SUBTOTAL:			[13.00	3,900.00]
For professional services rendered			13.00	\$3,900.00

			<u>Hrs/Rate</u>	<u>Amount</u>
6/4/2013	RTB	Confer with Ben Otto on cross topics. Review rebuttal before call.	0.75 300.00/hr	225.00
6/5/2013	RTB	Call on cross topics. Review rebuttal before call. Review CPUC excess gen order.	1.75 300.00/hr	525.00
6/10/2013	RTB	Prepare for hearing in Boise. Review filed testimony. Send CPUC excess generation order to Ben Otto.	2.25 300.00/hr	675.00
6/11/2013	RTB	Attend hearing in Boise. Testify. Assist in cross-examination of IPC witnesses. Confer with Ben Otto.	5.25 300.00/hr	1,575.00
For professional services rendered			10.00	\$3,000.00
Additional Charges :				
Meals/Meetings				5.66
Parking/Tolls				44.00
Travel Expenses				462.80
Total costs				\$512.46
Total amount of this bill				<u>\$3,512.46</u>

CERTIFICATE OF SERVICE

I certify that on the 18th day of June 2013, I delivered true and correct copies of the foregoing APPLICATION FOR INTERVENOR FUNDING OF THE IDAHO CONSERVATION LEAGUE to the following persons via the method of service noted:

Hand delivery:

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Commission Secretary (Original and seven copies)
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